61. Catalog navigation is also presented similarly:
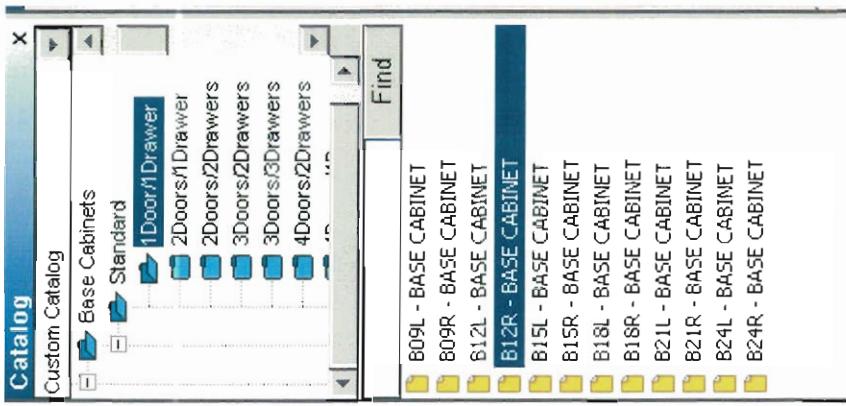
62. As is the find/search interface:

Davis Report

Catalog

Custom Catalog

Base Cabinets
Standard
1Door/1Drawer
2Doors/1Drawer
2Doors/2Drawers
3Doors/2Drawers
3Doors/3Drawers
4Doors/2Drawers

Find

B12

B12FDL - BASE CABINET
B12FDR - BASE CABINET
B12L - BASE CABINET
B12R - BASE CABINET

SAMPLE_E

< Categories >

B12L   > Base
B12R   > Base

B12

Edit

Left: 53 5/8"
Center :   59 5/8"
Right :   10 3/8"

Name:	Value
Wall left	51"
Center	57"
Wall right	13 1/16"

63. Once an item is selected, it can be placed using either the mouse or the edit box.

29

Davis Report

64. In both programs a variety of useful (and similar) choices are presented through the context menu. Note the overlap in names (and some ordering) for Center, Drag, In/Out, Move, Rotate, and Up/Down (Delete and Duplicate/Copy are routine Windows items):
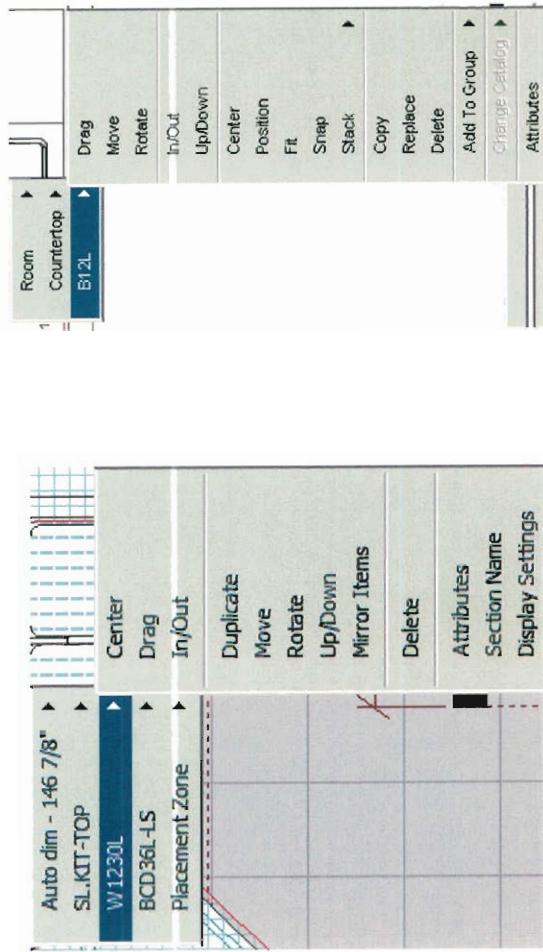
65. In both programs, items placed in the design can be modified through the use of the Attributes/Attribute menu. The example of cabinet modification provides an example of the similarity of interface choices. Both have a General and Accessories tab, a catalog description, and the ability to modify the size of the object, using an identically configured user interface: there are two up/down buttons side by side (shown expanded below), with the first button controlling 1-inch changes, and the second controlling 1/16th inch changes.

Davis Report

30

The size control interface close up, showing the pairs of increase/decrease buttons.

66. In both programs the choice has been made not only to present the user with an interface element that permits adding notes to the design, but one that has the notion of a "tag" number that goes with the note:

Davis Report

31

Comment Attributes

Tag

Select Font Color

Font
Arial   11
○ Plain   ○ Italic   ○ Bold
Sample text for test.

Display
○ All
○ Selected Views:
☑ View 1
☑ View 2
☑ View 3

OK   Cancel

Add/Edit Note

OK
Cancel

Open...
Save...

Tag number: 0   Alignment   Left
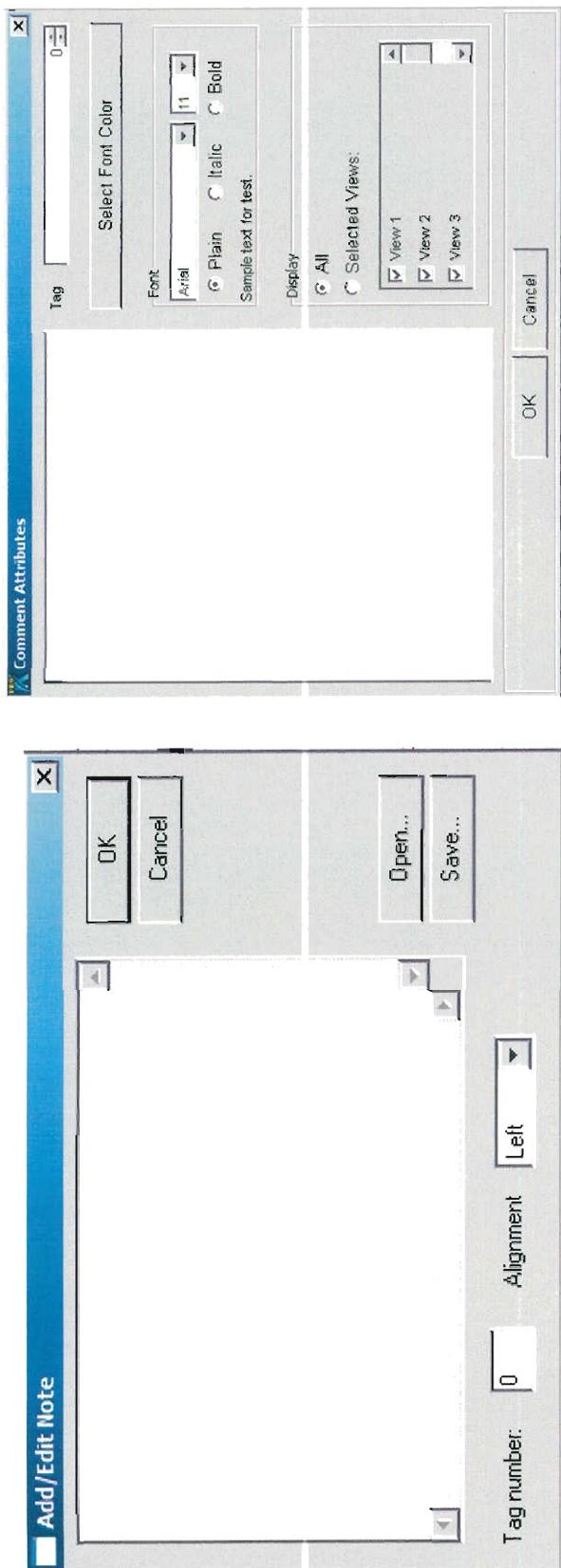
67. Both programs offer a Bill of Materials interface. A bill of materials is of course a standard element in design, but the choices that have been made in the details of the presentation in the two programs are interesting. The nomenclature (e.g., Plan Item, Non-Plan Item) is similar, as is the concept of a non-plan item.

32

Davis Report

20-20 Design

Plan Items

Qty	Catalog	User Code	Description	Finished Side	Note	Price
1	ROOM_APP	24.DISHW	24" Dishwasher	None	L	$0.00
1	ROOM_APP	30-GAS-RANGE5	30" Gas Range #5	None	L	$0.00
1	SAMPLE_E	96B.MLDG-1	Bottom Molding #1	None	L	$0.00
1	SAMPLE_E	96B.MLDG-1	Bottom Molding #1 (12 5/16")	None	L	$0.00
1	SAMPLE_E	96B.MLDG-1	Bottom Molding #1 (17 11/16")	None	L	$0.00
1	SAMPLE_E	96B.MLDG-1	Bottom Molding #1 (13 3/16")	None	L	$0.00
1	SAMPLE_E	96B.MLDG-1	Bottom Molding #1 (12 3/4")	None	L	$0.00
1	SAMPLE_E	96T.MLDG-1	Top Molding #1	None	L	$0.00
1	SAMPLE_E	96T.MLDG-1	Top Molding #1 (12 5/16")	None	L	$0.00
1	SAMPLE_E	96T.MLDG-1	Top Molding #1 (17 11/16")	None	L	$0.00
1	SAMPLE_E	96T.MLDG-1	Top Molding #1 (13 3/16")	None	L	$0.00
1	SAMPLE_E	96T.MLDG-1	Top Molding #1 (12 3/4")	None	L	$0.00
1	SAMPLE_E	96W.TOE	Toe Base	None	L	$0.00
1	SAMPLE_E	96W.TOE	Toe Base (21 3/16")	None	L	$0.00
1	SAMPLE_E	96W.TOE	Toe Base (48")	None	L	$0.00
1	SAMPLE_E	B12L	Base	None	L	$240.00
1	SAMPLE_E	BCD36L-LS	Base Corner Diagonal	Left	L	$520.00
1	SAMPLE_E	BLS	Base L.Susan	None	L	$125.00
1	ROOM	D.INT-R	Interior Door R	None	L	$0.00
1	ROOM	LSPACE	Left Reserved Space	None	L	$0.00
1	ROOM	RSPACE	Right Reserved Space	None	L	$0.00
1	ROOM	E36.DB-HUNG-1	36"H Dble Hung Window #1	None	L	$0.00
1	ROOM	LSPACE	Left Reserved Space	None	L	$0.00
1	ROOM	RSPACE	Right Reserved Space	None	L	$0.00
1	SAMPLE_E	SB36	Sink Base	None	L	$384.00
1	ROOM_PLU	SK.31-2TUB	31" 2 Tub Sink	None	L	$0.00
1	SAMPLE_E	SL.KIT-TOP	Slab Kitchen Top	None	L	$0.00
1	SAMPLE_E	8X25KITT	8" Slab Kitchen Top 25" (37")	None	L	$0.00

Non-Plan Items

Qty	Catalog	User Code	Description	Finished Side	Note	Price
1	ROOM			None		

Total selected items: $0.00

33

Davis Report

Calculated Items

	Qty	Catalog	User Code	Description	Finished Side	Note	Price
1	8	SAMPLE_E	8X25KITT	8' Slab Kitchen Top 25"	None		$160.00
2	1	SAMPLE_E	96B.MLDG-1	Bottom Molding #1	None		$50.00
3	1	SAMPLE_E	96T.MLDG-1	Top Molding #1	None		$50.00
4	1	SAMPLE_E	96W.TOE	Toe Base	None		$15.00
5	14	SAMPLE_E	SPLASH-A	Backsplash Type A	None		$420.00
						Total selected items:	$0.00
						Total price:	$695.00

Accessories & Extra Costs

Qty	Catalog	User Code	Description	Finished Side	Note	Price
1	ROOM					
					Total selected items:	$0.00
					Total price:	$0.00

ProKitchen

BOM

Plan Items | Non-Plan Items | Additional Products

#	Qty	Catalog	SKU	Description	Width	Height	Depth	Finish End	Hinge	Price	Ext.Price
1	1	Custom Catalog	2DB12	2-DWR. BASE CABINET	12"	34 1/2"	24"			0.00	0.00
2	1	Custom Catalog	2DB15	2-DWR. BASE CABINET	15"	34 1/2"	24"			0.00	0.00
3	1	Custom Catalog	2DB36	2-DWR. BASE CABINET	36"	34 1/2"	24"			0.00	0.00
4	1	Custom Catalog	WC2424RL	WALL CORNER CABINET	24"	24"	12"			0.00	0.00
5	1	Custom Catalog	B30	BASE CABINET	30"	34 1/2"	24"			0.00	0.00
6	1	Custom Catalog	B30	BASE CABINET	30"	34 1/2"	24"			0.00	0.00
7	1	Custom Catalog	W1230L	WALL CABINET	12"	30"	12"			0.00	0.00
									Total:		0.00

Davis Report

34

68. The Styles and Pricing interface in 20-20 is closely matched by the Global Options interface in ProKitchen:

20-20 Design

Davis Report
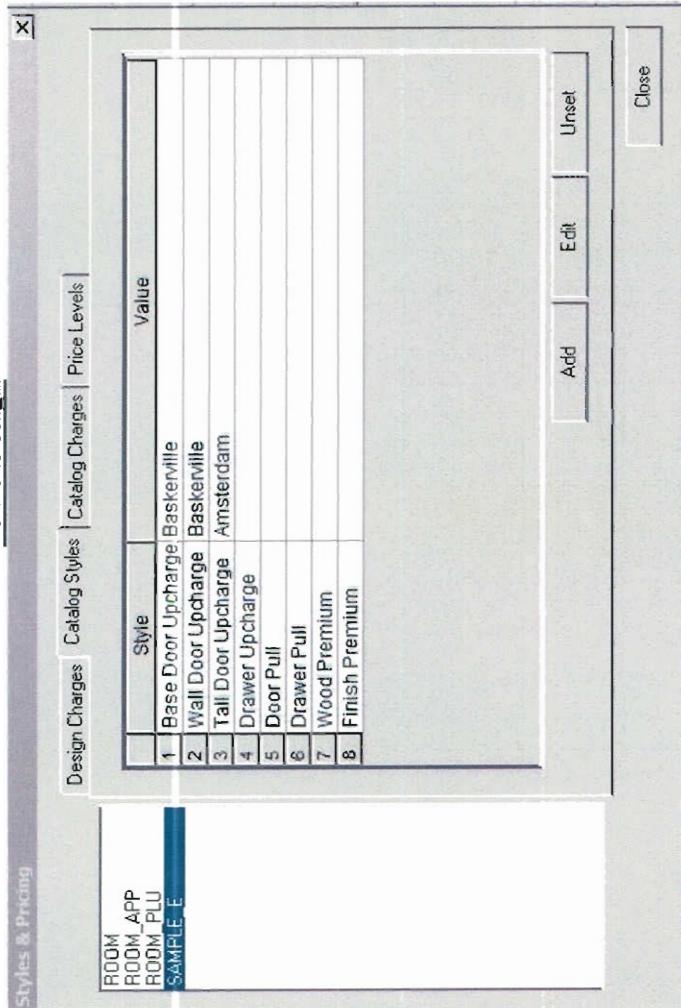
ProKichen

Global Specifications

Catalogs: Custom Catalog ▶   Clear All

Global Specifications	Options		Options
==== Others ====			None
Wood	Birch		Sample10-PC
Finish Color	Light Stain		Sample11-SS
Distressing	None		Sample12-PB
Cabinet Style	Flush Inset		Sample13-SS
Base Door	Beaded Shaker		Sample14-PB
Wall Door	Beaded Shaker		Sample15-PB
Drawer	Beaded Shaker Drawer		Sample16-SS
Door Hardware	Sample14-PB		Sample17-PB
Drawer Hardware	Sample15-PB		Sample18-SS
			Sample19-AB
			Sample1-AB
			Sample20-IR

69.   Consider finally the legend printed out by both programs when producing floor plans. It appears at the bottom right of each page, and is formatted identically, with a caution about dimensions in the first box, the program logo in the second, an intellectual property claim in the third, and design/print dates in the fourth. Under that we find the file name at the left followed by the drawing number.

20-20 Design Version 6.1

All dimensions, size designations given are subject to verification on job site and adjustment to fit job conditions.	20 20 TECHNOLOGIES	This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.	Designed: 5/2/2009 Printed: 5/4/2009
Design3.kit		Fp 1	Drawing #: 1

36

Davis Report

ProKitchen 2.0

All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.	™	This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.	Designed: 06.06.07 Printed: 06.06.07
Design: Design File Name	Drawing #: 1	Display settigs 5/16" = 1'	

70. Given the similarity of layout, it is tempting to infer that the ProKitchen design was accomplished by simply substituting their logo for 20-20's, and making a few other cosmetic changes.

71. The possibility that this is indeed correct rises considerably when we look carefully at the phrasing for the warning in 20-20's version 6.1 and ProKitchen's version 2.0. Note that the text is first of all verbatim identical:

> All dimensions size designations
> given are subject to verification
> on job site and adjustment to
> fit job conditions.

72. Second, note that this is ungrammatical: there's a word (or comma) missing in the first line, as RealView developers eventually noted: version 3.0 of ProKitchen starts the warning with "All dimensions *and* size designations…" [emphasis added]. Clearly, the presence of verbatim ungrammatical English cannot be explained by the need for functional competition; it suggests instead the single-mindedness with which ProKitchen designers approached their task as one of imitating the selection and arrangement of the 20-20 interface design.

V.   COMPARING OTHER PROGRAMS

73. I also reviewed the interface design and capabilities of three other, comparable design programs: Planit FusionLive 14.2.8, Chief Architect X2 Trial Version, and Configura CET Designer 2.2. There are a variety of individual elements discussed above that appear in these programs, including:

- drawing walls

- the notion of an edit window permitting typed entry of lengths and orientations

- drag and drop interface for placement of items, including cabinets, doors, widows, appliances

- context menus to access item properties

- the ability to edit item properties, such as width

- dual displays of plan and elevation

- 3D visualization

74. But even a cursory glance at the interfaces for these programs makes it clear that their interfaces were independently designed. They are no more similar than is necessary for the overall task, or for the use of conventions from Windows or CAD programs generally. Screenshots below of the basic interface for each of these programs helps to illustrate the differences.

75. Chief Architect has a catalog browser, with a different set sub-windows. placed on the other side of the screen:
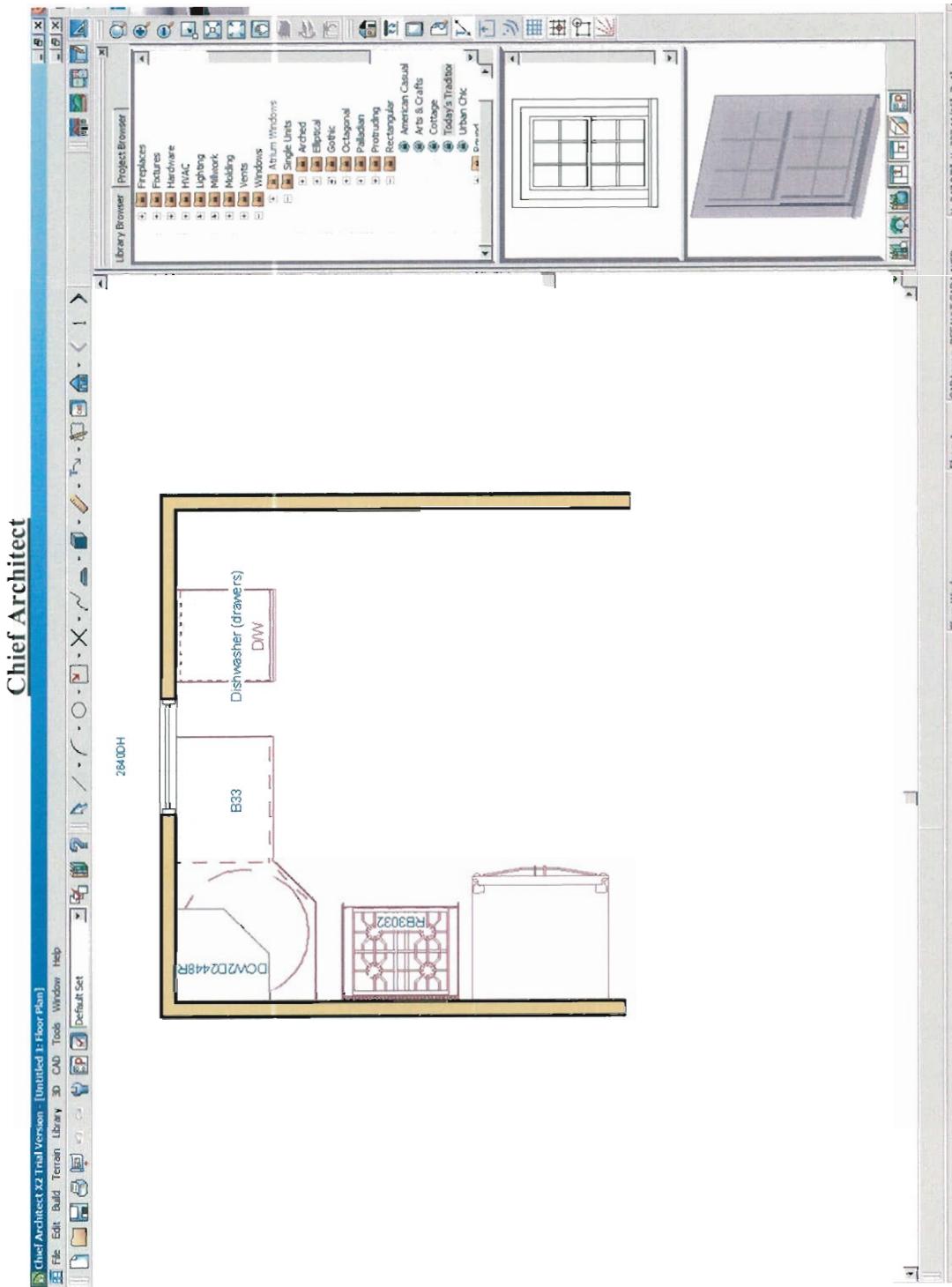
76. It also has the notion of object properties in response to a right click, but presents them rather differently:

Davis Report

Base Cabinet Specification

Layer	Fill Style		Materials		Label
General	Front	Sides/Back	Hardware	Moldings	

Special Type Normal ▸   ☐ Filler

Size/Position

Height (Including Counter)	36"
Width	33"
Depth	24"
Floor to Bottom	0"

24"   ☐ Follow Terrain

Countertop

| Thickness | 1 1/2" (D) | ☑ Flat Sides |
| Overhang | 1" (D) | ☐ Flat Back |

Backsplash

| Height | 4" (D) | ☐ Side |
| Thickness | 3/4" (D) | ☐ Always Present |

Toe Kick

Height	4" (D)	☑ Flat Sides
Depth	3" (D)	☐ Flat Back
		☐ Closed Toe

Corner

| Corner Width | 0" (D) | ☐ Rounded |

Copyright: CopyrightÂ© 2003-2009, Chief Architect, Inc.

OK   Cancel   Num Style...   Help

☑ Show Color
Label: B33

40

Davis Report

77. Configura CET designer likewise has some similarities in its overall interface (below), but uses a plan and 3D view combination:

Davis Report

41
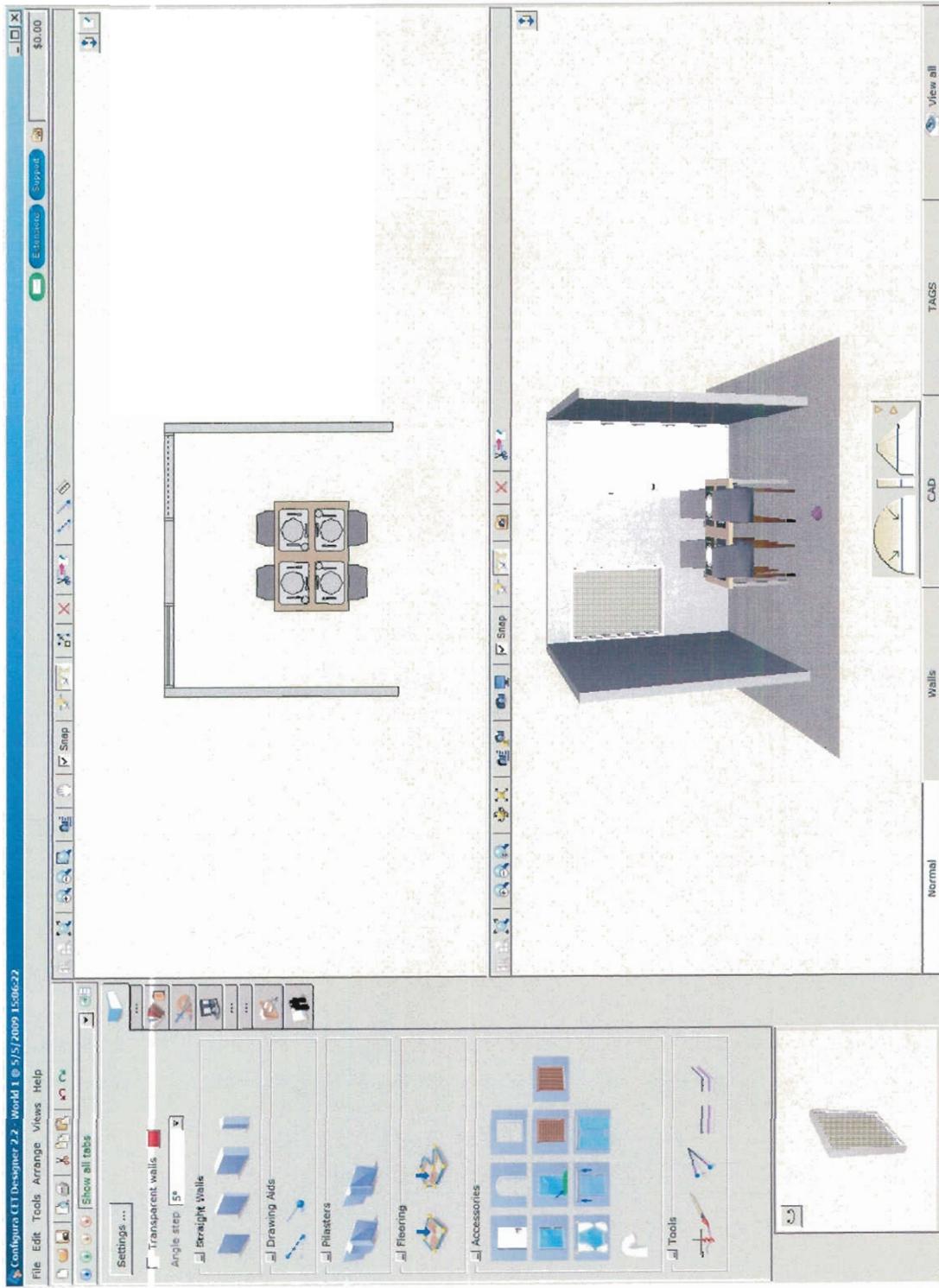
78. That system also has dimensions options that are somewhat similar to those in 2020 and ProKitchen:
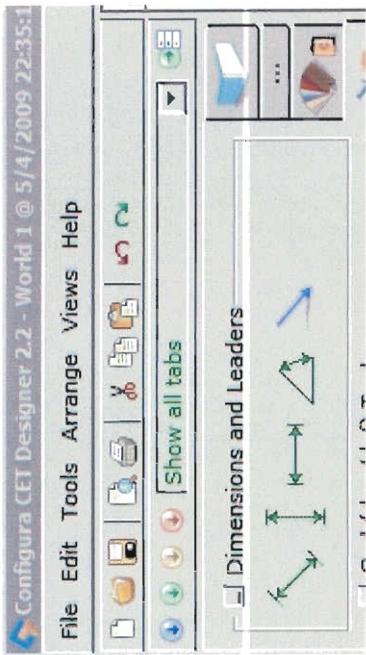
79. Finally, Planit Fusion also has some very high level similarities in the overall interface (a plan view, with controls on the left hand side), but its design is substantially different from either 20-20 or ProKitchen.

Davis Report

42
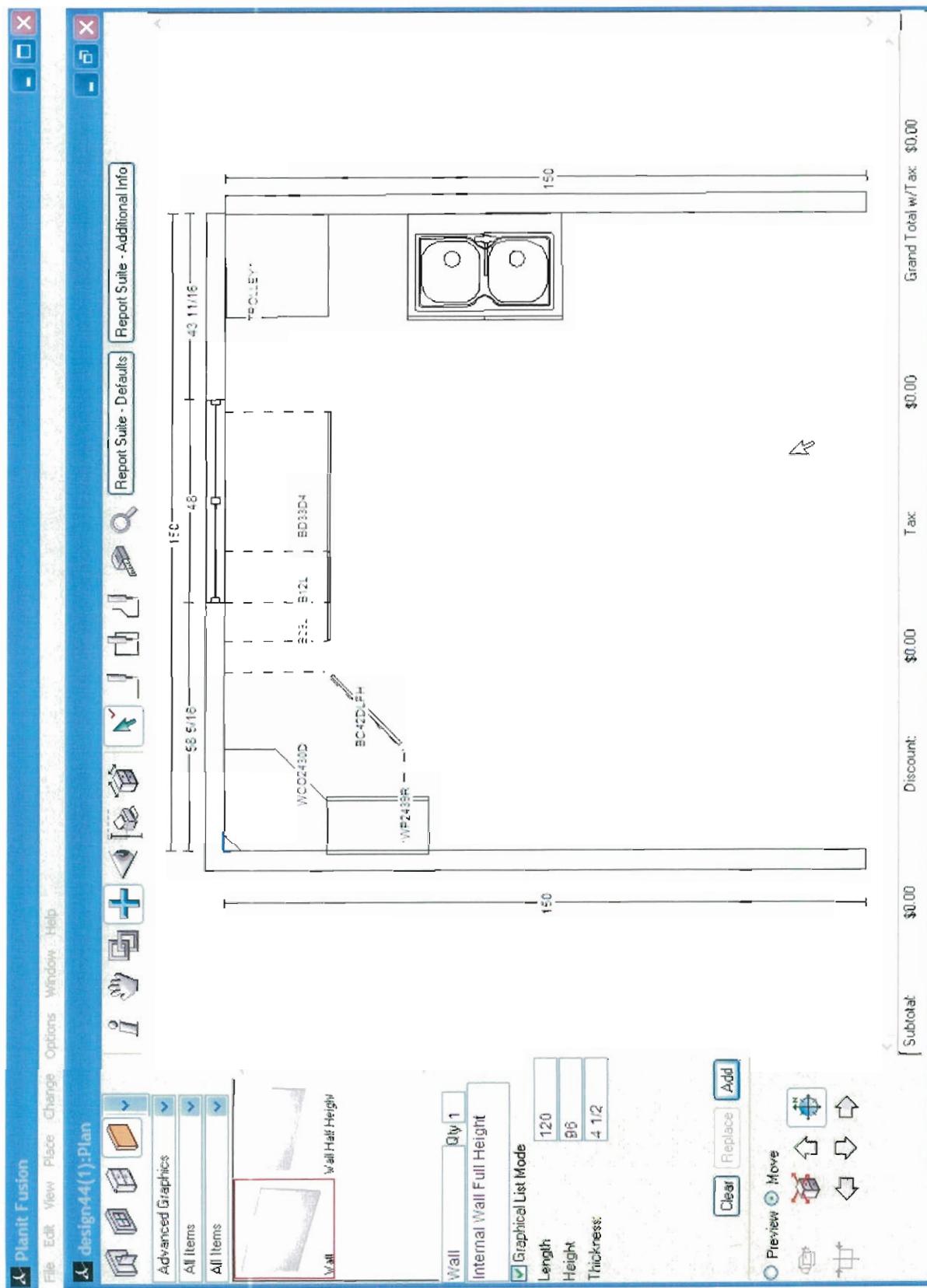
80. In all these cases the similarities that do occur are isolated. There is nothing that compares to the extensive overlap in the compilation of selected and arranged elements of the user interface that we find between 20-20 Design and ProKitchen. There is also next to no transfer of expertise, i.e., familiarity with either 20-20 or ProKitchen did little to assist with using any of these other programs. In numerous circumstances, such as drawing walls, experience with 20-20 or ProKitchen in fact got in the way, as those other programs had a rather different selection of and presentation of how walls were to be drawn. Unlike moving from 20-20 to ProKitchen, moving from either of those to one of these last three proved to be in general a frustrating experience, requiring some un-learning in order to proceed.

VI.   CONCLUSIONS

81. In summary, I find that the user interface of ProKitchen is substantially similar to that of 20-20 Design, with similarities that range from the selection and organization of elements of the overall layout of the screen, down to selection and arrangement of minor details of both programs. The similarities are in some cases so detailed that ungrammatical text found in a version of 20-20 Design appears verbatim in a version of ProKitchen.

82. The similarities are also extensive enough that familiarity with one program is sufficient to enable facile use of the second with almost no additional training. This is manifestly not the case for most programs, even those designed to do the same task.

83. The similarities are extensive enough that ProKitchen might easily be thought of by a user as simply a different version of 20-20 Design. That is, the two programs share as much of their user interface design as is routinely found between two subsequent versions of the same program produced by one company.

84. Some number of the individual interface elements of the design of both programs can be found in other CAD systems, other architectural design software, and other kitchen design software.

But the selection and organization of those elements is vastly more similar between 20-20 Design and

ProKitchen than it is between either of those and any of the other programs I examined.

85. I am continuing to work on these issues and reserve the right to augment this report at a

later date.
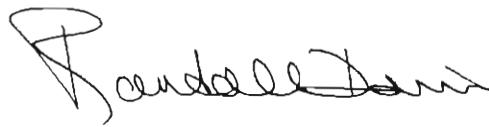
Randall Davis

EXHIBIT A: Davis Resume

RANDALL DAVIS

Randall Davis received his undergraduate degree from Dartmouth, graduating summa cum laude, Phi Beta Kappa in 1970, and received a PhD from Stanford in artificial intelligence in 1976.

In 1978 he joined the faculty of the Electrical Engineering and Computer Science Department at MIT, where from 1979-1981 he held an Esther and Harold Edgerton Endowed Chair. He served for 5 years as Associate Director of the Artificial Intelligence Laboratory, and served for 4 years (2003–2007) as a Research Director of the Computer Science and Artificial Intelligence Lab (CSAIL), where he oversaw approximately 200 of the Lab's 800 faculty, staff and students. He is currently a Full Professor in the Department. He and his research group are developing advanced tools that permit natural multi-modal interaction with computers by creating software that understands users as they sketch, gesture, and talk.

Dr. Davis has previously been one of the seminal contributors to the field of knowledge-based systems, publishing some 50 articles and playing a central role in the development of several systems. He serves on several editorial boards, including *AI in Engineering* and the MIT Press series in AI. He is the co-author of *Knowledge-Based Systems in AI*, and was selected in 1984 as one of America's top 100 scientists under the age of 40 by *Science Digest*. In 1986 he received the *AI Award* from the Boston Computer Society for his contributions to the field. In 1990 he was named a Founding Fellow of the American Association for AI and in 1995 was elected to a two-year term as President of the Association. In 2003 he received MIT's Frank E. Perkins Award for graduate advising. From 1995–1998 he served on the Scientific Advisory Board of the U. S. Air Force, earning the USAF Decoration for Exceptional Civilian Service.

Dr. Davis has been a consultant to several major organizations, including Digital Equipment Corp, IBM, Aetna, and Schlumberger, and has been involved in the founding of three software companies.

Dr. Davis has also been active in the area of intellectual property and software. In 1990 he served as expert to the Court in *Computer Associates v. Altai,* (775 F. Supp. 544 (E.D.N.Y. 1991); 982 F 2d 693) a case that produced the abstraction, filtration, comparison test for software copyright. He served on the panel run by the Computer Science and Telecommunications Board (CSTB) of the National Academy of Science in 1991 that resulted in *Intellectual Property Issues in Software,* and served as a member of the Advisory Board to the US Congressional Office of Technology Assessment study on software and intellectual property that was published in 1992 as *Finding a Balance: Computer Software, Intellectual Property, and the Challenge of Technological Change.* A 1994 paper in the *Columbia Law Review* analyzed the difficulties in applying intellectual property law to software and proposed a number of remedies.

From 1998-2000 he served as the chairman of the National Academy of Sciences study on intellectual property rights and the information infrastructure entitled *The Digital Dilemma: Intellectual Property in the Information Age,* published by the National Academy Press in February, 2000.

He has served as an expert in a variety of cases involving software, including the investigation by the Department of Justice of the Inslaw matter (40 Fed. Cl. 843; 1998 U.S. Claims), where he investigated allegations of copyright theft and cover-up by the Federal Bureau of Investigation, the National Security Agency, the Drug Enforcement Agency, the United States Customs Service, and the Defense Intelligence Agency.

Dr. Davis has appeared on *The Macneil/Lehrer Report* and *Innovations* (WNET, NY), and played a major role in *This Computer Thing*, a pilot for an educational series (WGBH, Boston) about personal computers. He has been quoted in articles in *The New York Times, The Wall Street Journal, Business Week, The Economist, The Boston Globe, High Technology*, and *Psychology Today*. Interviews have appeared in *Computerworld* and on National Public Radio's *All Things Considered*.

I am charging my usual and customary fee of $750 per hour for my work in this case.

EXHIBIT B: MATERIALS EXAMINED

Dbt f !2;18.dw.23268.QCT!!!!!Epdvn f ou31.3!!!!!!Gjrhe!2101403119!!!!!Qbhf !23!pg23

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Real View, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07-12157
	)	
20-20 Technologies, Inc.	)	
	)	
Defendant.	)	
	)	

CONFIDENTIALITY UNDERTAKING

I hereby acknowledge that I have read a copy of the Protective Order Regarding Confidentiality of Discovery Materials entered in the action presently pending in this case, that I understand the terms thereof and agree to abide by its terms, and agree to submit to the jurisdiction of the United States District Court for the District of Massachusetts, wherever I may be, for the enforcement of this Protective Order Regarding Confidentiality of Discovery Materials and for sanctions of violations thereof.

Signed under the penalties of perjury this __1st__ day of ___May_____, 20 _09_.

Signature: _____
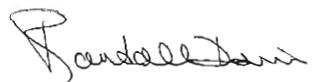
Printed Name: __Randall Davis_____

474927.1

Randall Davis
Cases

Computer Associates v. Altai, CV 89-011 EDNY
775 F. Supp. 544 (E.D.N.Y. 1991); 982 F 2d 693
Rule 706 expert to the court (testified)
copyright concerning IBM operating systems software.
Case appealed; appeals court decision created the Abstraction, Filtration, Comparison test.

Daly et. al v. IECA et al., 90 CIV 0588 NY
consultant to plaintiff; settled
copyright concerning proxy vote counting software

Quotron v. ADP, 91 CIV 6526, NY
consultant to defendant, settled
software copyright concerning brokerage office software

Goal Systems v. J. W. Bennett Co., C2-90-681 SD Ohio
consultant to plaintiff (deposed); settled
copyright involving mainframe job scheduling software

Gates Rubber, Inc., v. Bando American, Inc., 92-S-136 CO
(798 F. Supp. 1499)
expert for plaintiff (deposed, testified)
copyright and trade secret involving industrial belt design software

International Business Machines Corporation vs. Fujitsu Limited
AAA Case No. 13T-117-0636-85
consultant to plaintiff
copyright concerning IBM operating systems

Logica North America v. Intelsat, AAA Case No. 16 117 00084 92M
expert for plaintiff (testified)
breach of contract involving satellite communications scheduling software

American Airlines, Inc. v. ICOT Corporation, CA-4-91-305-A; Dallas TX
consultant to plaintiff
copyright involving terminal control software

Unix Systems Laboratories, Inc., v. Berkeley Systems Design, Inc., Civ. 92-1667, NJ
consultant to defendant
copyright of Unix operating system software

Bitstream, Inc., et al. v. SWFTE Int'l Ltd, CV93-11068H, Boston MA
consultant to plaintiff
copyright concerning computerized type face software

Data General Corp. v. Grumman Data Systems Corp., Civ 93-40087-GN, NY
consultant to defendant
copyright concerning hardware diagnostic software

Systems Engineering Associates v. IMED Corp, CV92 3583, Jefferson County, AL
consultant to defendant
copyright involving medical instrumentation software

Lotus v. Borland, 90-11662K Boston, MA
consultant to defendant
copyright concerning the Key Reader capability in Quattro

Mitek Holdings, Inc. v. Arce Engineering, 91-2629 SD FL
(864 F. Supp. 1568)
expert for plaintiff (deposed, testified)
copyright concerning architectural and structural design software

Mitek Holdings, Inc v. Merlyn Industries, Inc., 91-2631 Dallas, TX
consultant to plaintiff; settled
copyright concerning architectural and structural design software

Fonar Corp v. Deccaid Services, et al., CV 91-3805, ED NY
consultant to defendant (deposed)
copyright concerning medical instrumentation software

Star Technology, Inc v. Tultex Corporation, et al., 3-91-CV-1067-X, Dallas, TX
consultant to defendant (deposed)
copyright concerning factory automation software

Re-examination of Compton's New Media Patent 5,241,671
consultant to patent holder
patent concerning multimedia presentation

Florida Software Services Inc., v Citicorp Information Resources Inc, et al.,
Seminole County, FL, 91-893-CA-16-K
consultant for defendant; settled
trade secret and copyright concerning retail banking software

Quarterdeck Office Systems, Inc. v. Weinstein et al., CD of CA, 95-1564 LGB
consultant to defendant; settled
copyright and trade secret regarding Internet navigation software

US Department of Justice investigation, 1994
consultant to the DOJ on its re-investigation of the INSLAW matter
investigated allegations of copyright theft and cover-up by the FBI, the NSA, the DEA and
the DIA.

E. S. Cadd, Inc., v. Greiner, Inc., Middle District of FL, 94-1829-CIV-T-24C
consultant to defendant
copyright of engineering software for air traffic control

Trilogy Development Group v. Teknowledge Corp, C 94 4222 (MHP), ND CA
consultant to defendant, settled
software patent concerning configuration software

Sitrick v. Nintendo of America, Inc, N D Illinois 94 C5515
consultant to defendant (deposed); settled
software patent concerning game software

INSLAW Inc., v. The United States of America, Court of Federal Claims 95-338X
(40 Fed. Cl. 843; 1998 U.S. Claims)
expert for the defendant (deposed, testified)
copyright concerning database software
investigated alleged copyright theft by the FBI, National Security Agency, Drug Enforcement
   Agency, US Customs Service, and the Defense Intelligence Agency.

Cadence Design Systems, Inc., v. Avanti! Inc, C 95-20828 RMW, ND CA
expert for plaintiff (deposed, filed under seal); case settled in 2002 for $265 million
software copyright concerning computer aided design software

Automated Tracking Systems v. Great American Insurance Company
AAA Case 53 195 00090 95, May 1997
consultant to plaintiff
software copyright concerning database software

MicroStar v. Formgen Inc, et al., 96-3435H(CM), SD of CA
consultant to defendant; appeal affirmed defendant
software copyright concerning game software

Computer Aid v Hewlett Packard Company
consultant to defendant; deposed
software copyright and trade secret regarding network analysis software

Cyberdyne Systems Inc., v. Sharp Image Gaming, CIV-97-0893-PHX-ROS
consultant to defendant
arcade game software

Commonwealth of MA v. Ellis, (criminal case), Boston MA, 1999
97-0193 (1-12), 97-0561 (1-16)
consultant to defendant; testified in evidentiary hearing
criminal case; issues involving electronic search and seizure

Universal Computer Systems Inc., v. Dealer Solutions LLC, 99-11466, Harris Cty, Texas
deposed, testified for defendant in arbitration hearing
software for automobile dealerships

Boron LePore & Associates Inc., v. DigiNet LLC, Miller, Freed, Crooks, Wood and Lilley
Sole arbitrator in binding arbitration.
Trade secret regarding meeting planning software

Computer Sciences Corp et al. v Policy Management Systems Corp et al.,
00CA033SS Western District of Texas
Judge George C. Pratt (retired) presiding
Expert witness for defendant; testified in arbitration hearing; case settled (CSC bought
PMSC)
Trade secret concerning software for analysis of bodily injury insurance claims

Excelergy Corporation v. OPG EBT Holdco Inc., and EBT Express
consultant to plaintiff
copyright and reverse engineering of software for the electric power industry
settled

IMS Health, Inc. v. Vality Technology, Inc., 99-CV-1500, ED PA
consultant to plaintiff; deposed; case settled
copyright and trade secret regarding database cleaning software

General Universal Systems Inc. v Boaz et al., Case No. H-01-1674, SD Texas
consultant to defendant
copyright regarding freight forwarding software

Norwest Corporation v. IRS Commissioner, Docket 13908-92, 20567-93, 26213-93
110 T.C. 454; 1998 U.S. Tax Ct.; *June 29, 1998*
expert witness for IRS, testified at trial
research and experimentation tax credit for software

LinkCo v. Fujitsu, 00 Civ 7242 (SAS); October 2000
expert witness for defendant, deposed, testified at trial
trade secret issues in investor relations/corporate disclosure software

Pavilion Technologies Inc. v. Computer Associates Intl Inc.,
C.A. NO. A-01-CA-507 SS; W. Dist of Texas, Austin
consultant to defendant
patent regarding expert systems software

Florida Power and Light v IRS Commissioner, Docket No. 5271-96
consultant to IRS; case settled
research and experimentation tax credit for software

Amadeus Global Travel v. Orbitz, LLC et al., C.A. No. 02-1542-SLR
consultant to defendant; case settled
software for the travel industry

J. D. Edwards World Solutions Company, et al., v. Mayer Electric Supply Company
AAA Case 30-181-0018403
consultant to plaintiff; testified at arbitration
supply chain management software

Nastel Technologies, Inc., v. BMC Software, Inc., AAA Case 70-117-00306-01
consultant to plaintiff; deposed, testified at arbitration
copyright regarding middleware

The SCO Group, Inc, v. International Business Machines, 2:03CV0294 DAK (Utah)
expert for defendant; ongoing
copyright regarding operating systems

Automatic Data Processing (ADP), Inc., v. Arkona, Inc.
technical expert for both sides; served as neutral mediator.
copyright regarding automobile dealer management software

McKesson Information Solutions, LLC v. The Trizetto Group, 04-1258-SLT (Delaware)
expert for defendant, testified in infringement trial
patent case regarding expert systems for medical billing review

Polyvision v. Smart Technologies, 1:03-cv-476 (WD Michigan)
expert for Smart Technologies, deposed, case settled
patent case regarding software for display projectors

MAX Software, Inc. v CA, Inc., New York, AAA case 13 117 Y 02365 05
consultant to plaintiff; settled after exchange of expert reports
copyright regarding mainframe data editing software

Hensley, et al. v. Computer Sciences Corp., et al., Miller County, AR, Case 2005-59-3
consultant to defendant; deposed, case settled
class action lawsuit concerning expert systems software for the insurance industry

Bernard J. Pointer v. Castellani et al., 05-3003-BLS, MA
consultant to plaintiff; settled
word processing software, accuracy of electronic information